

Report Date: August 18, 2006

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AUG 22 2006
JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Roberto Sotelo

Case Number: 2:01CR02088-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle

Date of Original Sentence: 5/29/2002

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Distribute Marijuana
Within 1,000 feet of a Truck Stop, 21 U.S.C. § 846;
Use of Communication Facility, 21 U.S.C. § 843(b);
Use of Communication Facility, 21 U.S.C. § 843(b);
Criminal Forfeiture, 21 U.S.C. § 853

Date Supervision Commenced: 3/12/2004

Original Sentence: Prison - 30 Months; TSR - 36
Months

Date Supervision Expires: 3/11/2007

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 16 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 17 You shall abstain from alcohol, and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

CAUSE

On August 8, 2006, Mr. Sotelo submitted a urine sample, which tested presumptive positive for marijuana. The defendant admitted using marijuana on or about July 31, 2006, as a result of stress caused by family problems. Mr. Sotelo expressed remorse and guilt for having used marijuana, and assured this officer he would refrain from further drug use. It should be noted that this is the defendant's first violation since commencing his term of supervised release. As a corrective measure, urinalysis testing will be increased accordingly. In addition, recent 9th Circuit case law requires the Court to specify a specific number of urine tests to be set. Enclosed is a waiver signed by the defendant agreeing to the above modification of his conditions of supervised release.

Prob 12B

Re: Sotelo, Roberto

August 18, 2006

Page 2

Respectfully submitted,

by



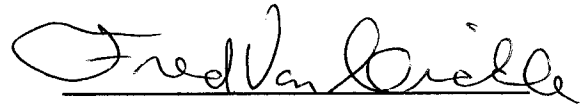
Jose Vargas

U.S. Probation Officer

Date: August 18, 2006

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
FVS ☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

August 21, 2006

Date